

KANE, PUGH, KNOELL, TROY & KRAMER LLP
BY: PAUL C. TROY, ESQUIRE
510 SWEDE STREET
ATTORNEY I.D. NO. 60875
NORRISTOWN, PA 19401
(610) 275-2000

ATTORNEY FOR DEFENDANT
FIRST STUDENT, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

K.H., a Minor, by GEORGE AND ANNA HARE,	:	
Guardians	:	NO. 2:21-cv-1629
	:	
v.	:	CIVIL ACTION
	:	
FIRST STUDENT, INC.	:	

NOTICE OF REMOVAL OF DEFENDANT

Defendant, First Student, Inc., through their undersigned attorney, gives notice of the removal of the above captioned action pending in the Court of Common Pleas of Westmoreland, Pennsylvania, to the United States District Court for the Western District of Pennsylvania, pursuant to 28 U.S.C. § 1332, and in support thereof aver as follows:

1. A civil action has been brought against defendant by the plaintiffs in the Court of Common Pleas of Westmoreland County at No. 3844 of 2021. A copy of that Complaint is attached hereto as Exhibit "A".

2. The State Court where the action was originally filed is located in Westmoreland County, Pennsylvania, which is embraced within this judicial district.

3. This is an action of a civil nature over which this Court has original jurisdiction, under 28 U.S.C. § 1332(a), because it is a civil action between citizens of different states and, upon information and belief, the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

4. Upon information and belief, and as alleged in the Complaint, K.H. is a domiciliary, and, therefore, a citizen of the Commonwealth of Pennsylvania.

5. Defendant, First Student, Inc., is a corporation, incorporated in the State of Delaware with a principal place of business in the State of Ohio.

6. Thus, there is complete diversity of citizenship between Plaintiffs and Defendant.

7. In addition, in their Complaint, Plaintiffs' allege K.H. suffered serious and severe injuries which included, "facial laceration; concussion; multiple hematomas; peri-orbital ecchymosis and edema; frontal lobe laceration with wound infection; traumatic head and brain injury; swelling and severe pain of her head; severe and dramatic loss of vision; trauma induced linear morphea; traumatic optic neuropathy in her left eye; severe damage to her eye sight causing her to be legally blind in her left eye; unsightly scarring in the middle of her forehead; balance impairments; difficulty with convergence of her eyes; macrocephaly and volume loss of the frontal lobes of her brain; and other serious and severe injuries." As such, their action is for an amount in controversy in excess of statutory jurisdictional limit, together with costs of this action and damages for delay.

8. A Complaint in this action was served on Defendant, First Student, Inc. See Exhibit "A." No other process, pleadings or Orders have been served upon the defendant.

9. The statutory requirements having been met, the state action is properly removed to United States District Court for the Western District of Pennsylvania.

Respectfully Submitted:

KANE, PUGH, KNOELL, TROY & KRAMER, LLP

By: 

PAUL C. TROY, ESQUIRE
Attorney for Defendant

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DEFENDANT'S CERTIFICATE OF FILING OF
COPY OF NOTICE OF REMOVAL WITH THE STATE COURT

I, PAUL C. TROY, ESQUIRE, counsel for Defendant, First Student, Inc., hereby certify that a certified copy of Defendant's Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Westmoreland County, Pennsylvania, wherein is pending the State Court action which is the subject of the removal.

KANE, PUGH, KNOELL, TROY & KRAMER, LLP

Date: 11/10/2021

By: 
PAUL C. TROY, ESQUIRE
Attorney for Defendant

KANE, PUGH, KNOELL, TROY & KRAMER LLP

BY: PAUL C. TROY, ESQUIRE

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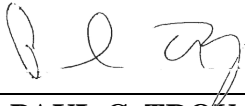
CERTIFICATE OF SERVICE

I, Paul C. Troy, certify that on this date I served a true and correct copy of the Notice of Removal and Defendant's Disclosure Statement in the above-captioned matter on all counsel of record and unrepresented parties via U.S. First Class Mail, postage prepaid, as follows:

Vincent J. Barbera, Esquire
Barbera Law
146 West Main Street
Somerset, PA 15501

KANE, PUGH, KNOELL, TROY & KRAMER, LLP

Date: 11/10/2021

By: 
PAUL C. TROY, ESQUIRE
Attorney for Defendant